

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.623 OF 2007
IN
COURT RECEIVER'S REPORT NO.147 OF 2007
IN
ARBIOTRATION PETITION NO.259 OF 2003
ALONG WITH
NOTICE OF MOTION NO.3286 OF 2007

Dr. Francis P. Candes ... Appellant

Vs.

Dr. (Mrs) Kalpana D. Velaskar & Anr. ... Respondents

Mr. H.S.S. Murthy for the appellant.

Mr. Tushar V. Dahibawalkar for respondent 1.

Mr. Snehal Shah i/b Narayanan & Narayanan for respondent 2.

Mr. M.H.I. Patel, Asstt. Prothonotary, representative of the Court Receiver, present.

**CORAM : SMT. RANJANA DESAI &
DR.D.Y. CHANDRACHUD, JJ.**

DATED : OCTOBER 30, 2007.

P.C.:-

1. In this appeal order dated 12/7/2007 passed by the learned

Single Judge on Court Receiver's Report No.147 of 2007 is under challenge. The Court Receiver was directed to hand over vacant and peaceful possession of the said premises to the landlord i.e. respondent 2. Respondent 1 (original petitioner) has not challenged the said order. Learned counsel for respondent 1 has tendered in this court letter dated 27/10/2007 addressed by him to respondent 1 seeking instructions. Copy of the letter is taken on record and marked "X". Learned counsel for respondent 1 states that respondent 1 has not responded to the said letter.

2. Learned counsel for the appellant and learned counsel for respondent 2 state that they have arrived at an arrangement between them by which extension of time has been given to the appellant to vacate the premises subject to payment of enhanced compensation. Consent terms duly signed by the appellant and the respondent 2 and their respective counsel are taken on record and marked "Y". Order in terms of consent terms. We note the presence of the appellant and respondent 2 in the court. Undertakings contained in the consent terms are accepted by the

court. Needless to say that the appellant will be at liberty to move for modification of royalty payable to the Court Receiver in the event of there being any change in the circumstances. The appeal and the above notice of motion stand disposed of in view of the consent terms.

[SMT. RANJANA DESAI, J.]

[DR. D.Y.CHANDRACHUD, J.]